UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,015	09/05/2003	Dianne Smith Phillips	G&C 30566.254-US-U1	8148

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EXAMINER
AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
2179	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action *Before the Filing of an Appeal Brief* ⮞	10/656,015	PHILLIPS ET AL.
	Examiner	**Art Unit**	
	Nicholas Augustine	2179	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- /

THE REPLY FILED <u>09 October 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,3-8,10-15 and 17-21*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-303 (Rev. 08-06)   Advisory Action Before the Filing of an Appeal Brief   Part of Paper No. 20071019

Continuation of 11. does NOT place the application in condition for allowance because: The final rejection will be maintained; it is believed that the references cited discloses the claimed invention. Although the cited references use differing terminology than that of the immediate application it is believed that the functionality as taught by Clevenger in view of PTC and Clevenger in view of SkySof Software is the same functionality as taught by the immediate application in such that Clevenger teaches a three dimensional object being displayed on an object properties palette, wherein the current object being displayed has editing controls adjacent to the three dimensional object (pg. 121) which is separate from the main view of the application (pg.8). Clevenger also teaches a means of keynoting an objects properties, wherein a graphical indications are displayed to the user to indicate tools and effected elements/ properties of the three dimensional scene being created by the user (see page 230, column 2) wherein described "...The Object Attribute icons that appear next to an object's bounding box let you access different editors and set object attributes..." Clevenger clearly gives all the means necessary to provide object parameter keynotes with graphical indications to a three dimensional object. As for the teachings of PTC, it was to be understood that the combination of PTC into Clevenger was made for more supporting evidence that it would be obvious to one of ordinary skill in the art to use a better graphical indication was depicted (PDF pg. 172). As taught by PTC are a bill of materials (or BOM) which is a list of components that make up an article (a listing of parts) which depicted on (PDF pg.172) is the graphical indication of using keynotes relating to the components that make up an article. This is believed to be the same functionality of a graphical object (as depicted on PDF pg.172; graphical object of an article) components are keynoted to provide to the user the indication of where components on an article are located. The combination of PTC into Clevenger would allow for one skilled in the art to see that the elements being keynoted as referenced from a list (PTC) on the same palette window (Clevenger). Therefore one of ordinary skilled in the art at the time of the invention was made would be able to see that combination of PTC into Clevenger teaches the use of keynotes in a property palette and keynoting properties that are displayed in a properties palette. Such that Clevenger teaches a properties palette with a 3D object displayed in the properties palette with a 'list' of associated properties (components which make up the object; branch/trunk, tree, foliage, etc) that when interacted with by the user causes the 3D object to change in display and PTC teaches a 'list' of components (parts of a 3D object which is related to the parts of the 3D object of Clevenger which can be changed by user interaction) that are keynoted with a 'list' of components to provide to the user an easy indication of where the components are located on a 3D object. Therefore as the current state of the claim language the final rejection will be maintained.

BA HUYNH
PRIMARY EXAMINER